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CITY CLERKS OFFICE  
CITY OF SACRAMENTO

FEB 8 8 42 AM '88

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Suite 300 South  
Sacramento, CA 95833  
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Fax # 925-1127

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(916) 677-0245

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(415) 659-9297



February 5, 1988

Ms. Lorraine Magana  
City Clerk  
City Hall, Room 300  
915 I Street  
Sacramento, CA 95814

Re: Appeal of Circle K by JTS Engineers  
Control No. P87-392

Dear Ms. Magana:

This letter will serve as our request to withdraw the subject appeal. The matter is presently scheduled for hearing before the City Council on February 9, 1988.

I trust this late withdrawal of the appeal will not seriously inconvenience the staff of the Council.

Respectfully Requested,

HEFNER, STARK & MAROIS

By   
Robert S. Willett

8.4RSW:sh

cc: Art Gee, Planning Department  
Verl McMillan, Circle K

Hugh B. Bradford  
(1876-1955)

S. W. Cross  
(1881-1956)

- Archie Hefner, Inc.\*
- Robert N. Stark
- Theodore M. Marois, Jr.
- James M. Woodside
- John D. Bessey
- Robert W. Bell
- Kenneth R. Stone
- Timothy D. Taron
- Judy Campos McKeehan
- William M. Gallagher
- Robert S. Willett
- Todd A. Murray
- Timothy M. Cronan
- Joel S. Levy
- Robert A. Laurie
- David G. Yetter
- Christina J. Savage
- Peggy J. Chater
- Robert P. Biegler
- Brian E. Maloney
- Dennis L. Viglione
- Ronald H. Sargis
- Martin B. Steiner
- Lisa A. Wible Wright
- John D. Schwarz, Jr.
- Jeffrey H. Graybill
- Howard S. Nevins
- Kevin F. Schoneman
- Janice L. Thurston
- Joseph E. Hustin
- Susan L. Sutherland

*Withdrawn*  
~~APPROVED~~  
BY THE CITY COUNCIL

FEB 9 1988

OFFICE OF THE  
CITY CLERK

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

January 19, 1988

BUILDING INSPECTIONS  
916-449-5716

City Council  
Sacramento, California

PLANNING  
916-449-5604

Honorable Members in Session:

SUBJECT: APPEAL OF PLANNING COMMISSION DENIAL OF A SPECIAL PERMIT TO ESTABLISH A  
24 HOUR CONVENIENCE MARKET AND TO SELL BEER AND WINE FOR OFF-SITE  
CONSUMPTION (**P87-392**)

LOCATION: 6240 Freeport Boulevard

SUMMARY

The application is for two special permits. One to establish a 24 hour convenience market and the other to be able to sell beer and wine. Planning staff reviewed the application and after receiving comments from other City departments, recommended approval of the Special Permit with conditions. The matter was considered and denied by the Planning Commission after hearing testimony for and against the request. An appeal has been filed by the applicant.

BACKGROUND

The subject site is zoned for General Commercial use and is currently occupied by a gas station which is no longer in operation. The applicant, Circle K, proposes to redevelop the site with a new convenience market with incidental gas sales which are allowed in the C-2 zone. The required Special Permits are to allow the market to open 24 hours a day and to sell beer and wine.

Planning staff referred to various departments for review and comment. After receiving no comments in opposition to the permits and after finding no land use incompatibilities, staff recommended approval of the permits with conditions. Staff did receive letters in opposition to the permit from nearby property owners (see attached CPC report).

The Planning Commission considered the matter and heard testimony for and against the permits. After substantial discussion, the Commission approved a motion to deny the permits.

VOTE OF THE PLANNING COMMISSION

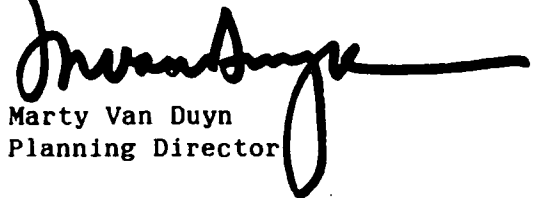
On December 3, 1987, the Commission voted four ayes, three noes, (one absent and one vacant seat) to deny the special permits.

RECOMMENDATION

Should the City Council concur with the Commission's action, the appropriate action would be to deny the appeal based on the attached Findings of Fact.

Should the City Council concur with staff's Findings, the appropriate action would be to adopt an intent motion to approve appeal subject to preparation of findings and conditions.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:AG:rt  
attachments

**P87-392**

District No. 8  
January 26, 1988



Appeal of Robert S. Willett vs.  
City Planning Commission's Denial of  
Special Permits to Establish a 24-Hour  
Convenience Market and Special Permit  
to Sell Beer and Wine for Off-Site  
Consumption on 0.43+ Developed Acres in  
the General Commercial (Executive Airport 4)  
(C-2{EA-4}) Zone at the Northwest Corner of  
Blair Avenue and Freeport Boulevard (P87-392)

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of January 26, 1988, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

FINDINGS OF FACT - DENIAL OF 24 - HOUR CONVENIENCE MARKET

1. Granting of the special permit to operate a 24-hour convenience market within 500' of residentially zoned property is not based upon sound principles of land use in that:
  - a. being open between the hours of 11:00 p.m. and 6:00 a.m. will be detrimental to the welfare of nearby area residents and property owners because it would lead to loitering by and traffic from late night customers to the site; and
  - b. the site is located within 1½ miles of three existing 24-hour convenience markets so that adequate facilities are now available; and
  - c. the Freeport Manor neighborhood has a high element of criminal activity and the establishment of a 24-hour facility may contribute to increased problems for the Police Department and area residents.
2. Granting the special permit will be detrimental to property in the vicinity in that 24-hour commercial activity will attract customers from throughout the area during times adjacent businesses are closed and residents are closed or sleeping, thereby increasing the probability of vandalism.
3. Granting the special permit will be detrimental to the public health, safety and welfare and result in the establishment of a nuisance in that:
  - a. the site is located within 2,000' of Argonaut High School, a continuation high school of 250 students, who may frequent the store as they currently do at the Airway Market, causing some of the students to be truant and to engage in loitering; and
  - b. increased vehicle traffic would be generated at the congested intersection of Freeport and Blair; and
  - c. the elementary school children from Freeport Manor cross at Blair Avenue to attend Alice Birney Elementary School located at 43rd Avenue and 13th Street. Traffic from the site may conflict with pedestrian activities.

- 4. The proposed special permit is not consistent with the City's Interim Discretionary Land Use Policy in that the 1984 Airport Meadowview Community Plan states as a goal "to eliminate the characteristics of physical deterioration throughout the community" with an objective. "To make the identified concerns of the residents known to the departments or agencies responsible for addressing these concerns." Area residents have testified regarding the impact of a 24-hour convenience store and the Commission found that the proposed project does not eliminate physical deterioration.

FINDINGS OF FACT - DENIAL OF SPECIAL PERMIT FOR BEER AND WINE SALES

- 1. The proposed use will adversely affect the peace and general welfare of the surrounding neighborhood in that the adjacent businesses and their employees will be affected by patrons of the new business.
- 2. The proposed use will result in an undue concentration of establishments dispensing alcoholic beverages in that 17 businesses sell alcohol within 1½ mile radius and three of those businesses are 24-hour convenience markets.
- 3. The proposed use will encourage the development of a blighted area in that Freeport Manor neighborhood has been affected by the presence of police problems stemming from the sale of alcoholic beverages at a nearby market. The addition of another establishment selling alcoholic beverages will add to the existing police problem.
- 4. The proposed use will be contrary to and adversely affect programs of redevelopment or neighborhood conservation in that the establishment of an 18th store selling beer and wine within 1½ miles of the subject site will not encourage the elimination of physical or social deterioration of the Freeport Manor neighborhood.

Sacramento City Planning Commission  
VOTING RECORD

15

MEETING DATE  
December 3, 1987

ITEM NUMBER  
8 B

PERMIT NUMBER  
P 87-392

ENTITLEMENTS

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

STAFF RECOMENDATION

Favorable  Unfavorable

Correspondence

Petition

LOCATION 6240 Groport Boulevard

PROPOSERS

NAME	ADDRESS
<u>Robert Willett</u>	<u>2710 Statway Oaks Drive, Dacto</u>
<u>Walter McMillan</u>	<u>584 Margarita, Parsonhall</u>
<u>Jim Barclay</u>	<u>City Police Dept.</u>

OPPOSERS

NAME	ADDRESS
<u>Rose Wheeler</u>	<u>5941 12th Street, Dacto</u>
<u>Harold Blomberg</u>	<u>1753 Blair Avenue, "</u>
<u>Scott Keene</u>	<u>1000 G Street, "</u>
<u>Jim Barclay</u>	<u>City Police Dept.</u>

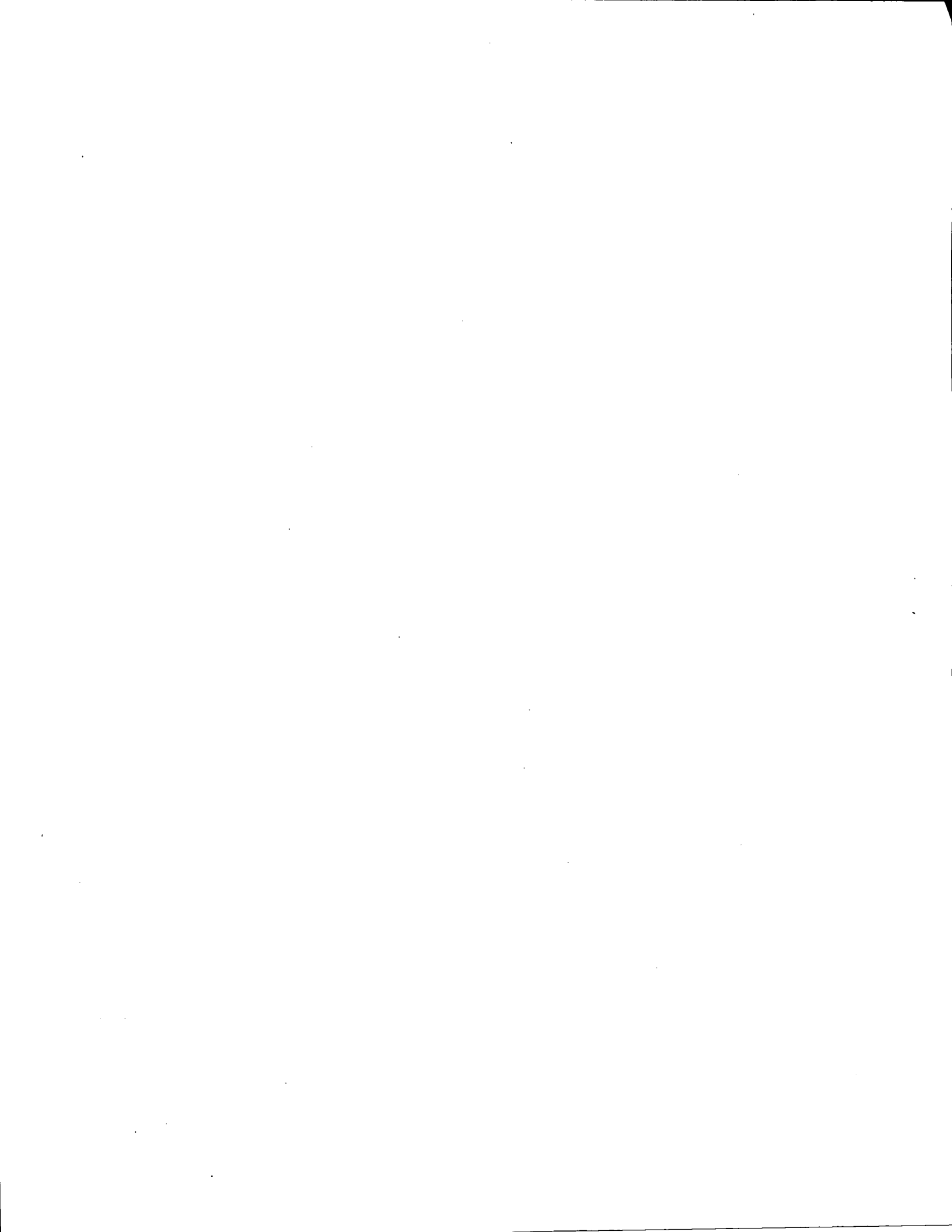
MOTION # \_\_\_\_\_

Yes    No    Motion Second

CHINN			
FERRIS			
HOLLICK			<input checked="" type="checkbox"/>
HOLLOWAY			
ISHMAEL			
NOTESTINE			
OTTO			<input checked="" type="checkbox"/>
WALTON	<u>absent</u>		
RAMIREZ			

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO <sup>provided</sup> COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE

- MOTION 1072
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
  - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
  - TO RATIFY NEGATIVE DECLARATION
  - TO CONTINUE TO \_\_\_\_\_ MEETING
  - OTHER see substitute motion





CITY PLANNING COMMISSION

15

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT JTS Engineers, 811 "J" Street, Sacramento, CA 95814  
 OWNER Stafac, Inc., P.O. Box 4848 Anaheim, CA 92803  
 PLANS BY JTS Engineers, 811 "J" Street, Sacramento, CA 95814  
 FILING DATE 9/4/87 ENVIR. DET. Neg. Dec. 9/28/87 REPORT BY DJH:vf  
 ASSESSOR'S-PCL. NO. 035-084-027

- APPLICATION:**
- A. Negative Declaration
  - B. Special Permit to establish a 24 hour convenience market of 3,000 sq. ft. and a 960 sq. ft. canopy over a two pump gasoline dispensing facility on 0.43 acres in the C-2 (EA-4) zone.
  - C. Special Permit to establish beer and wine sales for off-site consumption.

**LOCATION:** 6240 Freeport Boulevard

**PROPOSAL:** The applicant is requesting the necessary entitlements to construct a 24 hour Circle K with gasoline dispensing facilities and the sale of beer and wine for off-site consumption.

**PROJECT INFORMATION:**

1974 General Plan Designation: Commercial  
 1984 Airport-Meadowview Community Plan Designation: Commercial  
 Existing Zoning of Site: C-2 (EA-4)  
 Existing Land Use of Site: Gas Station (vacant)

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Parking Lot; C-2 (EA-4)	Front: (Blair Avenue)		25' to canopy
South: R.V. Stg. & Parking; M-1 (R) (EA-4)	Side(Int):	-0-	5'
East : Executive Airport Entryway; (R-1) (EA-4)	Side(St):(Freeport Blvd.)		20' to canopy
West : Parking & Blomberg Window; M-1 (EA-4)	Rear:	-0-	3'

Parking Required: 12 spaces  
 Parking Provided: 12 spaces  
 Property Dimensions: Irregular  
 Property Area: 0.43+ acres  
 Square Footage of Building: 3,024 sq. ft. for market  
 960 sq. ft. for canopy  
 Height of Building: 1 Story, 14 ft. to top of parapet  
 Topography: Flat  
 Street Improvements & Utilities: Existing  
 Exterior Building Materials: Stucco, metal aluminum mullions, tempered glass

APPLC. NO. P87-392 MEETING DATE 12-3-87 October 8, 1987 ITEM NO. 8  
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Roof Material: Tar  
 Hours of Operation: 24 hours a day, 7 days a week  
 Number of Employees: 6 Employees  
 Number of Employees Per Shift: 2 Employees per shift

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is a 0.43 acre lot developed with a gas station which is zoned General Commercial (C-2) Executive Airport Overlay 4 (EA-4) zone. The 1984 Airport-Meadowview Community Plan designates the site for Commercial uses. Surrounding land uses include Blomberg Window Systems parking lots to the north and west, Executive Airport due east across Freeport Boulevard and recreational vehicle storage to the south across Blair Avenue. A 24 hour convenience market is required to have a Planning Commission special permit when located within 500 ft. of residentially zoned or used property. A special permit is also required if beer and wine is to be sold for off-premises consumption under Ordinance 87-077 adopted by the City Council on June 23, 1987.

B. Project Description

The applicant proposes to construct a 3,100 sq. ft. Circle K convenience market with gasoline dispensing facilities. The gasoline facilities will include a single island, two pump facility with a 960 sq. ft. canopy. The existing abandoned gas station and canopy will be removed. The former underground gasoline storage tanks will be removed. The site will be completely excavated and reconstructed for the project.

The applicant also proposes to sell beer and wine for off-site consumption. Under Ordinance 87-077, a special permit is required from the Planning Commission. Since the facility will be open between the hours of 11:00 P.M. to 6:00 A.M. and is located within 500 ft. of residentially zoned and used property, a special permit for the convenience market is required.

C. Site Plan Evaluation

Staff has reviewed the applicant's site plan, building elevations and landscape plan. The following items will require modification with review and approval by the Planning Director prior to building permit issuance.

1. Detailed plans, elevations and color scheme for the canopy shall be submitted for review and approval by the Planning Director. No facia lighting shall be allowed on the canopy. Setbacks shall observe the minimum setbacks established by the existing canopy. Replacement of the existing non-conforming canopy is supported by staff.

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- 2. Landscaping is shown along Freeport and Blair Avenue a depth of 10 ft. A seven foot wide planter is shown along the west property line and a five foot wide planter is shown along the north property line. The applicant is required to meet the minimum 50 percent tree shading requirement for all required parking and maneuvering areas. Right-of-way landscaping is to include street trees of 5 and 15 gallon size at a density of one tree per 20 lineal feet of street frontage. All areas are to be planted with shrubs adjacent to the street frontages and irrigated with automatic sprinklers.

Staff recommends a six foot high decorative wrought iron fence for security along the west property line and north property line where the existing six foot high solid metal fence does not exist. This fence would allow visibility yet prevent unauthorized trespass across the site.

- 3. No portable concrete wheel stops are to be used on the site. Use of a poured-in-place concrete curb, six inches in height shall be included in all areas surrounding planters and vehicle parking stalls.
- 4. A sign program shall be reviewed and approved by the Planning Director prior to issuance of sign permits. Staff recommends that a single monument sign no higher than 12 feet as measured from the top of the sidewalk be allowed at the corner of Freeport Boulevard and Blair Avenue. Sign area should be similar as shown in the attached plans, where the sign is placed on a masonry base. All signage on the canopy shall be minimal or absent.
- 5. The revised site plan shall show the trash enclosure relocated behind the canopy setback off Freeport Boulevard. The trash enclosures shall be designed as per the City Trash Enclosure Regulations, (Exhibit A).
- 6. The old parking lot lights shall be removed and replaced with lamps more modern in style. All lighting is to be focused on-site and not reflected off-site onto residentially zoned or used property. Lamp poles are to be located on private property.
- 7. The proposed building runs under and adjacent to existing overhead utility lines. The revised site plan shall show the building observing any easements running along or through the site. Any relocation of utilities shall be completed according to the rules and regulations of the respective utility.
- 8. The City Traffic Engineer noted that only two 35 ft. driveways shall be allowed one on the site, on Freeport Boulevard and one on Blair Avenue.
- 9. No air and water supply is shown on the site. If one is proposed, it shall be located away from residential land uses. Any air compressor shall be baffled so not to be audible off-site.

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- 10. Any heating and cooling equipment or mechanical equipment shall be screened so to not be visible off-site. No noise from the mechanical equipment shall be perceptible at the nearest residence.
- 11. No external bell or speaker system is shown on the plan. If a bell system is proposed, it shall only be audible inside the store. If a public address system is constructed, it shall only be used in emergencies and when customers need assistance at the pumps. No constant air-play will be allowed. The volume of the speakers shall be adjusted to not be audible off-site.
- 12. Usual Circle K designs propose two ice-storage boxes shown along the sidewalk adjacent to the building. No storage boxes or other obstructions shall be allowed on the sidewalk adjacent to the building.
- 13. The interior of the building proposes a fast food preparation area. Refuse disposal containers should be located inside the store to prevent discarding of refuse outside. No exterior trash cans should be allowed.
- 14. Interior uses of the building which encourage loitering shall not be allowed. Installation of video game machines, pin-ball machines or other arcade type equipment shall not be allowed due to loitering problems associated with teenage youth.

D. Special Permit - Alcohol Sales

Under the new City Ordinance regulating alcohol sales for off-site consumption, the Planning Commission is required to make specific findings stating the proposed sale will not negatively affect the neighborhood. With the requirements of the City Police Department to post the site, "No Loitering or Drinking, Customer Parking Only" and security measures of a video camera to monitor "blind areas" from the cashier's cage area, staff supports the sale of alcohol between the hours of 6:00 A.M. and 12:00 P.M. By limiting the hours of alcohol sales, staff observes fewer problems may occur in the area. The 12:00 P.M. limitation will reduce nuisance generated from loitering and noise.

Staff has received letters from the Police Department and Blomberg Window Systems as attached in Exhibit B - Correspondence. Mr. Blomberg is opposed to the sale of alcohol at the location. With installation of wrought iron fencing along the west and north property lines to prevent trespass and use of cameras for video surveillance, the prohibition of loitering and strict enforcement required by the City Police Department, problems associated with the sale of alcohol should be minimal. Mr. Blomberg states 17 other stores sell beer and wine within one and one-half miles of the site, three staying open 24 hours a day. By restricting the hours of alcohol sale to 6:00 A.M. to 12:00 Midnight, staff observes more control over the activities of patrons. If problems occur, complaints by neighbors would bring the issue back to the City for review and evaluation.

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AGENCY COMMENTS: The proposed project was reviewed by the City Police, Engineering, Traffic Engineering, and Fire Marshall's Office with comments received as previously stated. Staff has also received correspondence in opposition to the proposed project and is included as Exhibit B.

The City Police Department responded in detail to the proposed project with the following recommendations:

- A. No signs shall be located in windows which might obstruct the view of the cash register from outside the store.
- B. No display racks shall be inside the store which will block the view of the cash register.
- C. Pay phones should be situated so that they are located inside the store.
- D. Height markers shall be at the 5'7", 5'10" and 6' locations on the primary exit door.
- E. There shall be photographic surveillance of the cash register area with equipment and installation to be approved by the Police Department.
- F. There shall be a time delay drop safe similar to those now in use in other Circle K's.
- G. Parking area is to be clearly posted "Customer Parking Only, No Loitering or Drinking".
- H. Parking area to be kept free of litter and shrubs to be kept watered and trimmed.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project will not have an adverse impact on the environment subject to the following mitigation measure and has filed a negative declaration.

Mitigation Measure: The applicant shall provide letters approving the proposed project from the City Fire Chief, County Environmental Health Section (Phone 366-2109) and State Health Services (Phone 324-1826) for installation and removal standards for underground storage tanks prior to issuance of any building permits.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the negative declaration.

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- B. Approve the special permit for a convenience market, subject to conditions and based upon findings of fact which follow.
- C. Approve the special permit to sell alcohol for off-site consumption, subject to conditions and based upon findings of fact which follow.

Conditions - Special Permit for Convenience Market

- 1. The applicant shall obtain an revocable permit from the City to locate a portion of the required landscaping in the public right-of-way.
- 2. The applicant shall submit complete landscape and irrigation plans prior to the issuance of building permits. The plans shall indicate the following:
  - a. all planter areas shall be landscaped with low growing ground cover. Shrubbery shall be installed adjacent to the public right-of-way;
  - b. trees shall be planted along both street frontages in addition to the shrubs;
  - c. trees shall be planted at a density of one tree per 20 ft. of frontage;
  - d. Minimum 5 and 15 gallon trees shall be used.
- 3. The applicant shall provide a trash enclosure area which complies with the following standards:
  - a. the walls of the trash enclosure structure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure (s); split face concrete block finish is recommended;
  - b. the trash enclosure structure shall have decorative solid heavy gauge metal gates and be designed with cane bolts to secure the gates when in the open position;
  - c. the trash enclosures shall be designed to allow walk-in access by tenants without having to open the main enclosure gates;
  - d. a concrete apron shall be constructed either in front of the trash enclosure facility or at the point of dumpster pick-up by the waste removal truck. The minimum dimension of the concrete apron for a single two cubic yard shall be:
    - o Width - 10 ft. or width of enclosure facility
    - o Length - 20 ft.

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- o Larger trash enclosure facilities shall require a larger concrete apron subject to the approval of the City Building Inspections Division Building Technicians (Plan Checkers). Paving material shall consist of five inch aggregate base rock and six inch Portland cement paving. The enclosures shall be adequate in capacity, number and distribution to serve the development. Location and placement of bin shall be reviewed and approved by Solid Waste Division. Maintenance of the trash enclosure shall be the responsibility of the property owner.
- f. the perimeter of the trash enclosure structure shall be planted with landscaping, including a combination of shrubs and/or climbing evergreen vines;
- g. no trash enclosure shall be located in any required setback area.
- 4. New structures shall observe the utility easements.
- 5. The planter strip along Freeport Boulevard frontage shall be 10 feet wide and Blair Avenue frontage shall be 10 feet wide and surrounded by a six inch by six inch concrete curb after dedication of right-of-way, if any.
- 6. A six foot high decorative wrought iron fence shall be constructed along the parking lot edge along the western and northern property line. A gate shall be placed between the fences and building to prevent loitering.
- 7. The applicant shall obtain sign permits for on-site signage. One detached monument sign, no higher than 12 feet as measured from the top of the sidewalk shall be allowed as shown in monument sign exhibit. The sign shall observe minimum visibility requirements.
- 8. Security cameras shall be provided to monitor blind areas.
- 9. The applicant shall post signs on the site which read "No drinking, No Loitering".
- 10. All new driveways and all driveway closures shall be reviewed and approved by the Traffic Engineer prior to issuance of building permits.
- 11. The applicant shall comply with the following requirements to the satisfaction of the Planning Director and City Police Department.
  - a. no signs shall be located in windows which might obstruct the view of the cash register from outside the store;
  - b. no display racks shall be inside the store which will block the view of the cash register area;

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- c. pay phones should be situated inside the store and not outside.
  - d. height markers shall be at the 5' 7", 5' 10" and 6' locations on the primary exit door;
  - e. there shall be photographic surveillance of the cash register area with equipment and installation to be approved by the Police Department;
  - f. there shall be a time delay drop safe similar to those now in use in other Circle K's;
  - g. parking area is to be clearly posted "Customer Parking Only, No Loitering or Drinking";
  - h. Parking area to be kept free of litter and shrubs to be kept watered and trimmed.
12. All lighting shall be focused on-site and not reflect or glare off-site onto residentially zoned or used property. The existing parking lot lights shall be removed and, if desirable, replaced with boxed canister lighting fixtures painted a dark brown or earth tone no higher than 18 feet above the ground. A detailed lighting plan shall be reviewed and approved by the Planning Director prior to issuance of building permits.
  13. If an air and water supply facility is to be provided, it shall be located away from the residential uses. Any air compressor shall be baffled so not to be audible off-site.
  14. All heating and cooling mechanical equipment shall be screened so to not be visible off-site. No noise from the operation of heating and cooling equipment shall be perceptible at the nearest residence.
  15. No external bell system shall be allowed. Any customer alarm shall be audible only inside the store.
  16. No public address system shall be installed which is audible off-site. If a public address system is installed, it shall only be used in emergencies or when customers need assistance at the pumps. No music or constant air-play will be allowed.
  17. No outdoor ice storage boxes shall be allowed. No boxes, newspaper stands, or other obstructions are to be located on the sidewalk adjacent to the building.

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- 18. No video games, pinball machines or other arcade type equipment shall be allowed in the store or on the premises which generate loitering problems.
- 19. The design of the spanner board shall be reviewed and approved by the Design Review Board staff. The spanner board is not to be illuminated.

Conditions - Special Permit for Alcohol Sales - Approval

- 1. Hours of alcohol sales shall be from 6:00 A.M. to 11:59 P.M. No alcohol shall be sold from 12:00 A.M. to 6:00 A.M.
- 2. All measures required for security shall be installed to the satisfaction of the City Police Department.

Findings of Fact - Special Permit for Convenience Market - Approval

- 1. The project, as conditioned, is based upon sound principles of land use in that:
  - a. adequate parking and circulation is provided; and
  - b. the use is compatible with surrounding uses which consist of general commercial uses and residential uses.

- 2. The project, as conditioned, will not be detrimental to property in the vicinity in that:

The market is situated in such a manner that business activity will be directed towards Blair Avenue and Freeport Boulevard.

- 3. The project, as conditioned, will not be detrimental to the public health, safety or welfare nor result in the creation of a nuisance in that adequate setbacks, on-site parking, vehicle maneuvering, intensive landscaping, security measures and well designated signage will be provided.
- 4. The proposed project is consistent with the City's Interim Discretionary Land Use Policy in that the site is designated for general commercial uses by the 1984 Airport Meadowview Community Plan and the proposed convenience store conforms with the plan designation.

Findings of Fact - Special Permit for Alcohol Sales - Approval

- 1. The proposed use, as conditioned, will not adversely affect the peace and general welfare of the surrounding neighborhood in that security measures will protect customers and adjacent property owners.

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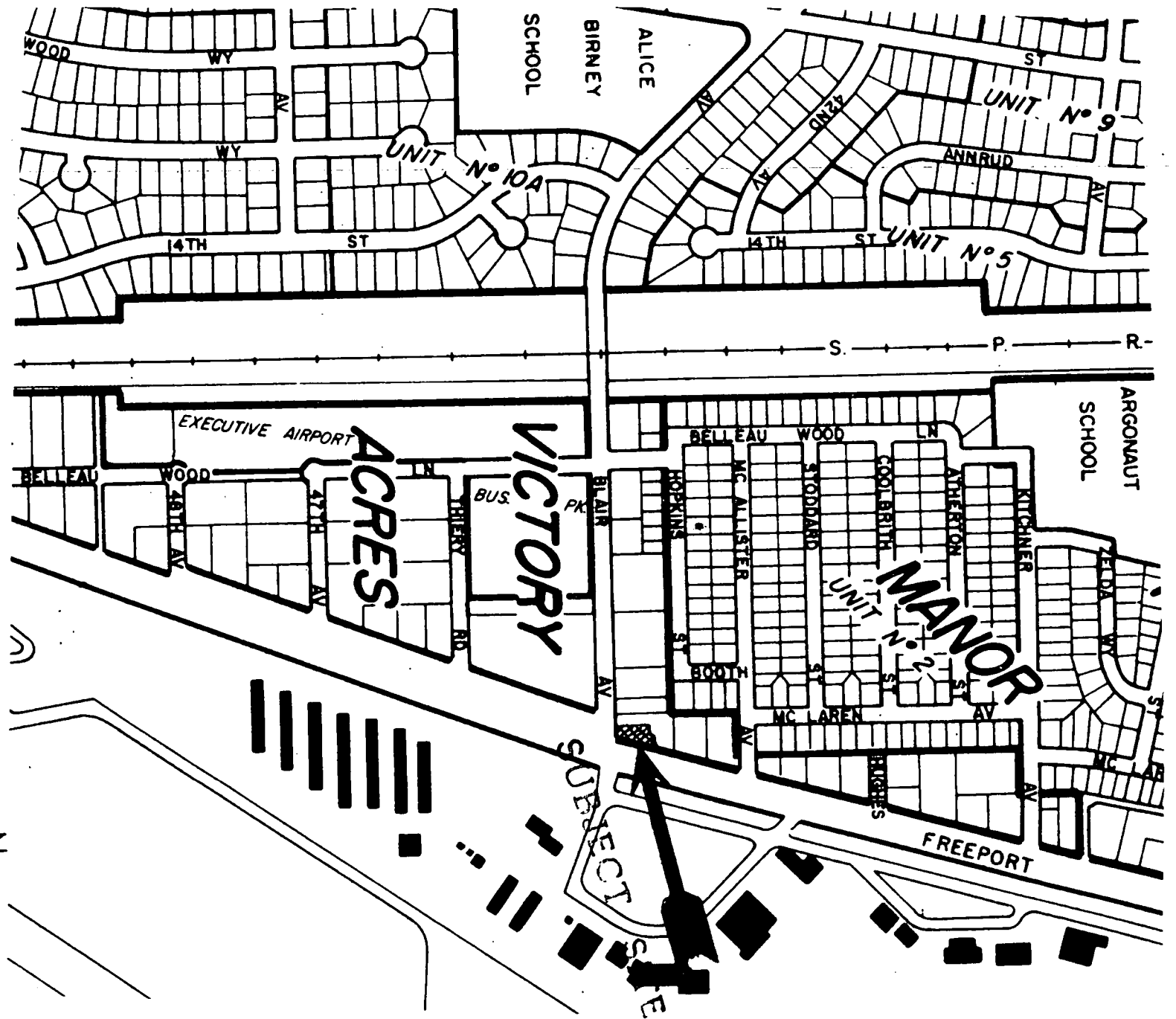
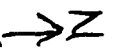
- 2. The proposed use, as conditioned, will not result in undue concentration of establishments dispensing alcoholic beverages in that the nearest alcohol sales facility is located one-quarter mile to the north.
- 3. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that industrial uses or airport uses surround the site.
- 4. The proposed use, as conditioned, will not be contrary to or adversely affect any program of redevelopment or neighborhood conversation in that alcohol sales is a service provided in conjunction with food and gasoline sales for area residents west on Blair Avenue.

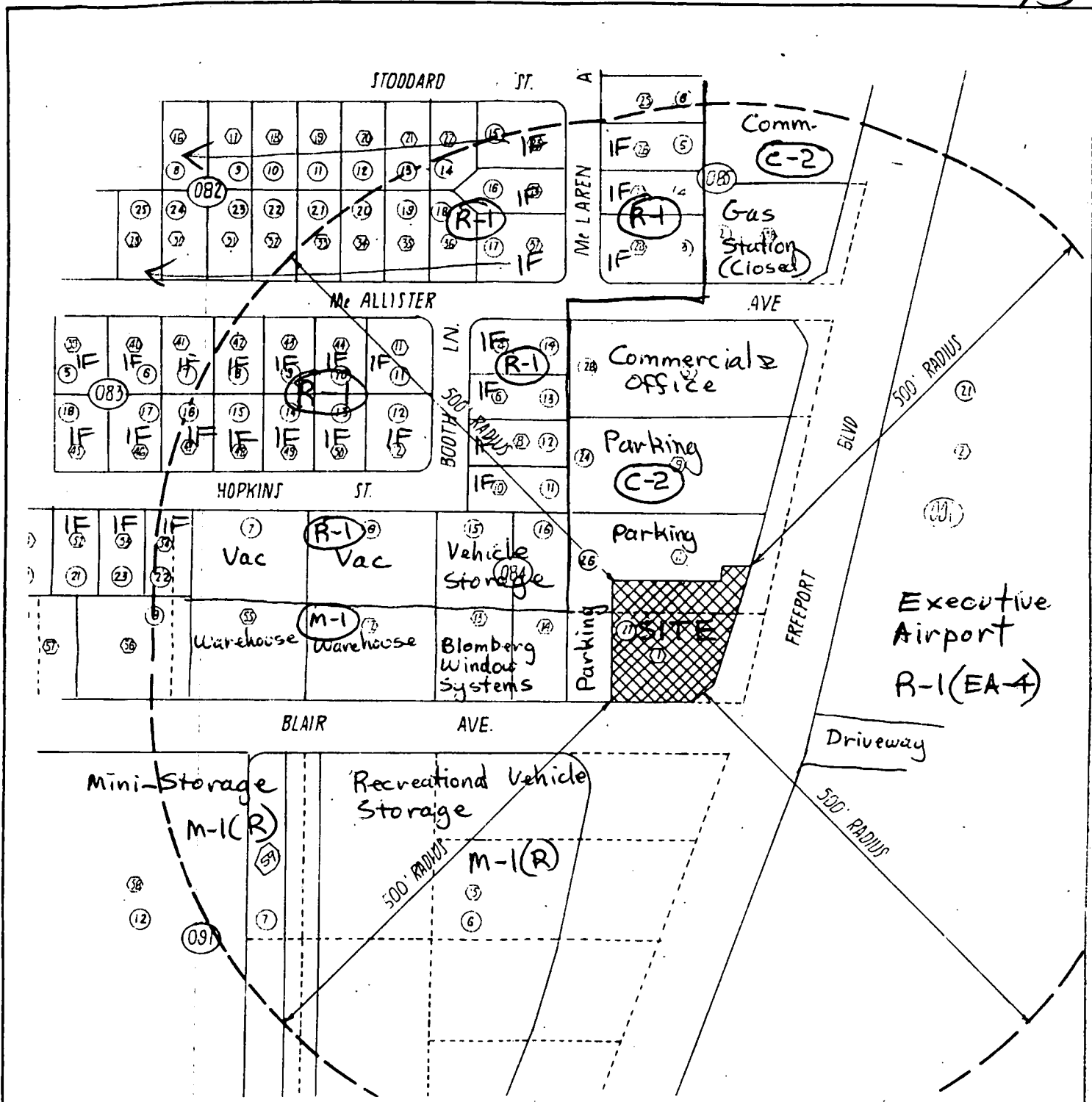
# VICINITY MAP

~~10-8-87~~  
12-3-87  
Hwy 12-87

Item 203  
8

Scale: 1" = 500'





Entire Area within Executive Airport Overlay 4 Zone

N  
↑  
Scale: Reduced

# LAND USE & ZONING MAP

P-87-392

~~10-8-87~~ 17  
~~11-12-87~~  
 12-3-87

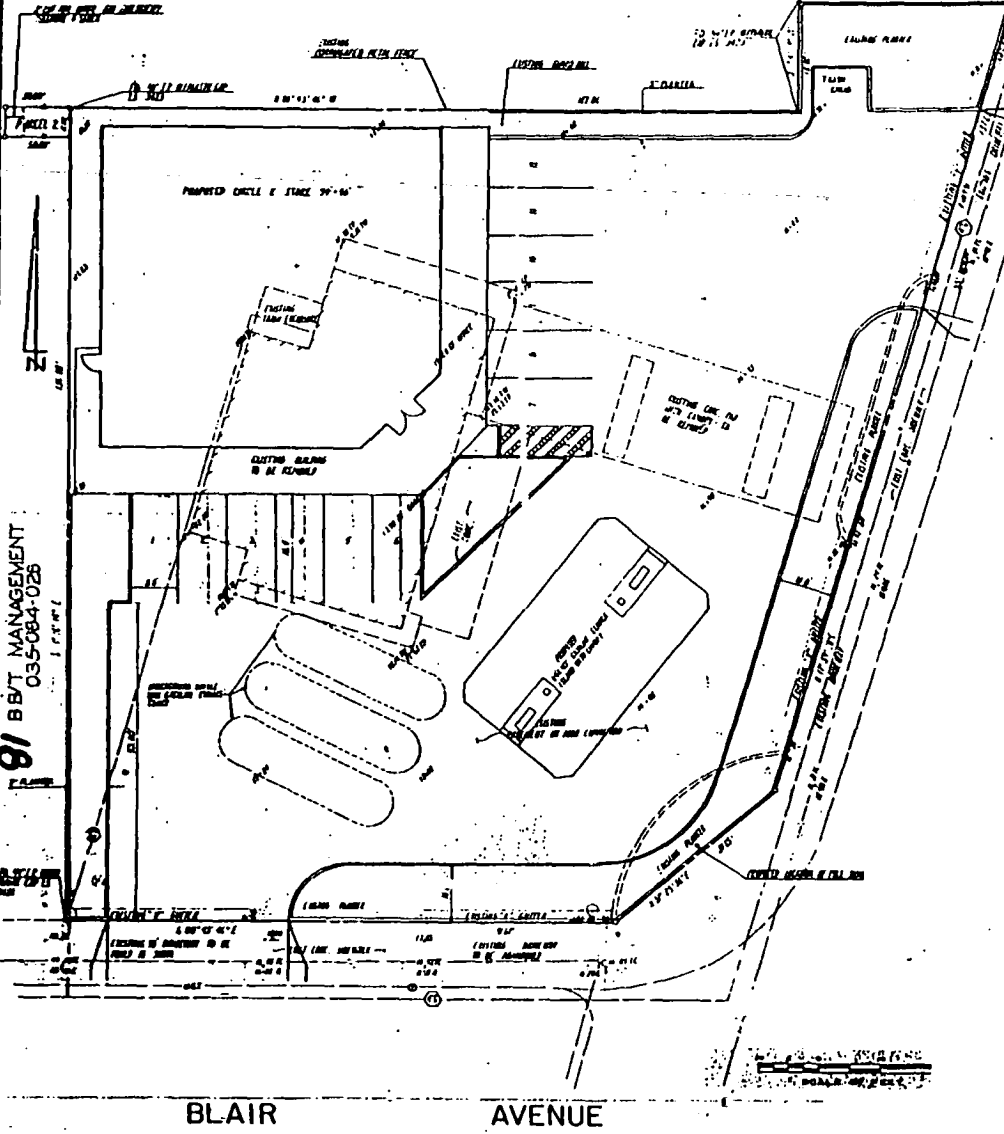
item 20

P-87-392

12-3-87

10-8-87 H. J. J. 87

BB/T MANAGEMENT  
J35-084-028



LOCATION MAP

THIS PLAN IS PREPARED BY AN INDIVIDUAL OR FIRM WHOSE NAME IS ON THE TITLE SHEET OF THIS PLAN AND WHOSE SIGNATURE IS ON THE TITLE SHEET OF THIS PLAN. THE SIGNATURE OF THE INDIVIDUAL OR FIRM WHOSE NAME IS ON THE TITLE SHEET OF THIS PLAN IS A SIGNATURE OF THE INDIVIDUAL OR FIRM WHOSE NAME IS ON THE TITLE SHEET OF THIS PLAN. THE SIGNATURE OF THE INDIVIDUAL OR FIRM WHOSE NAME IS ON THE TITLE SHEET OF THIS PLAN IS A SIGNATURE OF THE INDIVIDUAL OR FIRM WHOSE NAME IS ON THE TITLE SHEET OF THIS PLAN.

- LEGEND**
- EXISTING DRAIN LINE
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - EXISTING CONCRETE TANK
  - EXISTING MANHOLE
  - EXISTING LIGHT
  - EXISTING SIGNAL LIGHT
  - EXISTING STREET LIGHT AND SIGNAL LINE
  - EXISTING CEMENT
  - EXISTING GAS VALVE
  - EXISTING PUMP HOUSE
  - EXISTING SHOP BUILDING
  - EXISTING GAS LINE
  - EXISTING CONCRETE BASE
  - EXISTING STEEL COLUMN
  - EXISTING POWER POLE

UTILITY REPRESENTATIVE		
UTILITY	REPRESENTATIVE	PHONE NUMBER
GAS	P. A. S. S.	6-1234
ELECTRICITY	A. S. S.	6-1234
TELEPHONE	P. S. S.	6-1234
WATER	CITY OF BACHMANN	6-1234
SEWER	CITY OF BACHMANN	6-1234
STORM	CITY OF BACHMANN	6-1234
POWER	CITY OF BACHMANN	6-1234
CABLE T.V.	BACHMANN CITY	6-1234

AUG 31 1987

SPECIAL PERMIT EXHIBIT  
6240 FREEPORT BLVD.  
APN-035-084-027

**JTS** ENGINEERING CONSULTANTS, INC.  
811 J. STREET

DESIGNED: \_\_\_\_\_  
DRAWN: W. V.  
CHECKED: \_\_\_\_\_  
SCALE: 1" = 10'

SITE PLAN

8/28/87

P87-392

12-3-87 to 8-87 #1287

19

Item

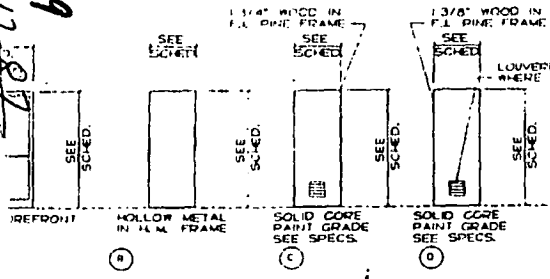
**ROOM FINISH SCHEDULE**

ROOM NAME	SEALING MTC. V.C.C.	FLOOR FIN.	BASE FIN.	WALLS	CEILING	HEIGHT	REMARKS
POOL						8'-0"	SEE PLAN FOR WALL TILE
POOL DECK						8'-0"	SEE PLAN FOR WALL TILE
POOL ROOM						8'-0"	SEE PLAN FOR WALL TILE
RESTROOM						8'-0"	
REAR						9'-0"	

WALL: 2x4 WALL 2x6 & 6-8 DOOR. INSULATE ALL WALLS WITH R-11 INSULATION AND R-30 CEILING

**DOOR SCHEDULE**

DOOR	THICKNESS	FRAME	GLASS	REMARKS	NO.
101	1 1/2"	ALUM.	GLASS	ST. OFF FRONT GLASS	101
102	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	102
103	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	103
104	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	104
105	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	105
106	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	106
107	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	107
108	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	108
109	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	109
110	1 1/2"	ALUM.	GLASS	FRONT HARDWARE W/ ALUM.	110

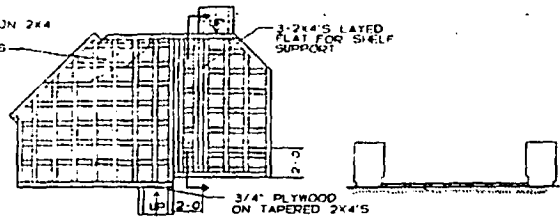


**TYPES**

Item

3/4" PLANK ON 2x4 FLAT & 1/2" S.C. BOTH DIRECTIONS

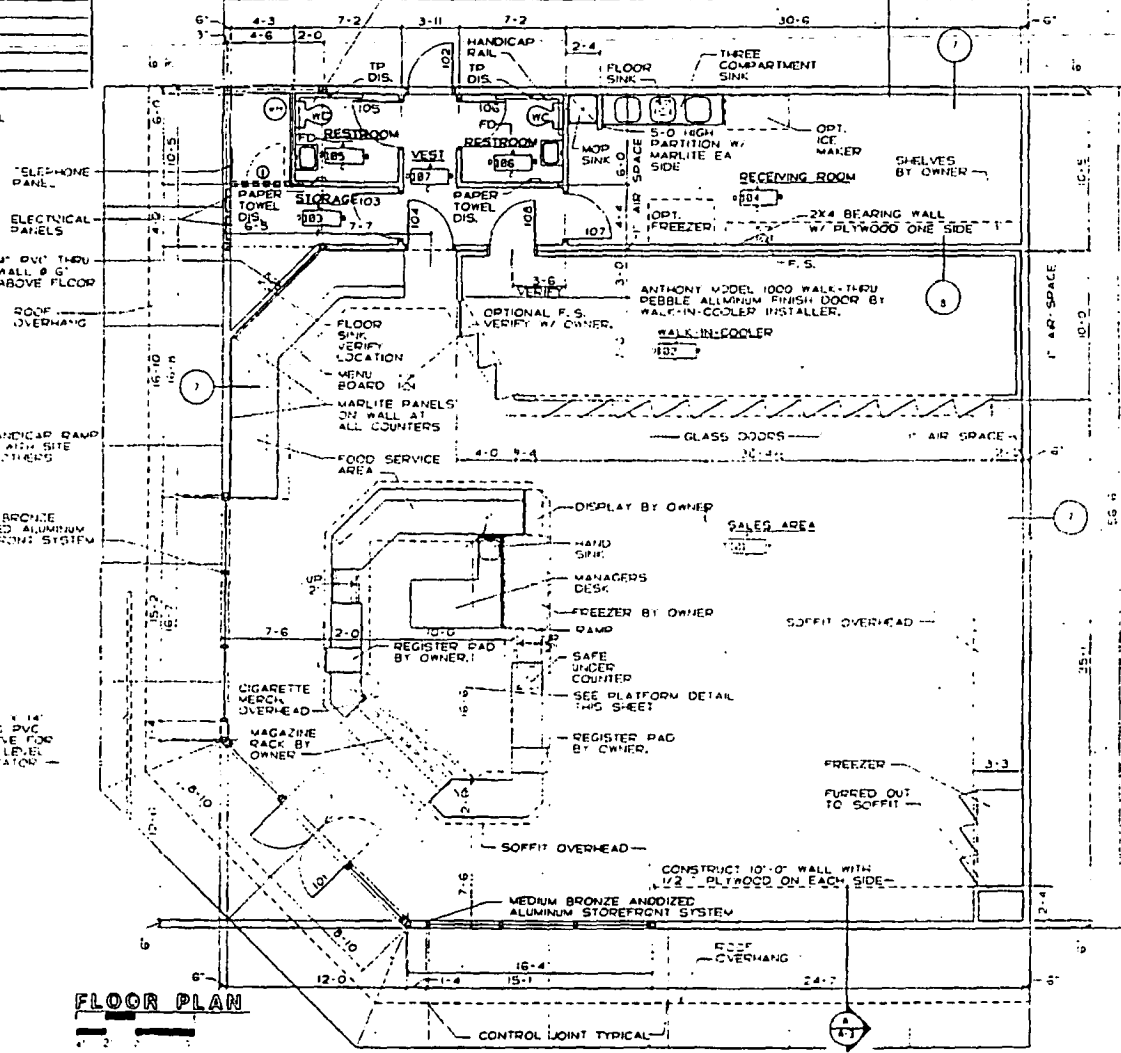
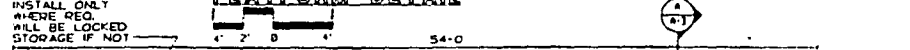
3-2x4'S LAYED FLAT FOR SHELF SUPPORT



**ABBREVIATIONS**

- 101
- 102
- 103
- 104
- 105
- 106
- 107
- 108
- 109
- 110

**PLATFORM DETAIL**



**THE CIRCLE K CORPORATION**  
 1801 N. 7th Street, Phoenix, Arizona 85004  
 1888 HAVESTRINE NUNN AND COMPANY ENGINEERS

DATE BY: RCO  
 CHECKED BY: RLM  
 DATE: 1/11/88  
 AS SHOWN ON SHEET

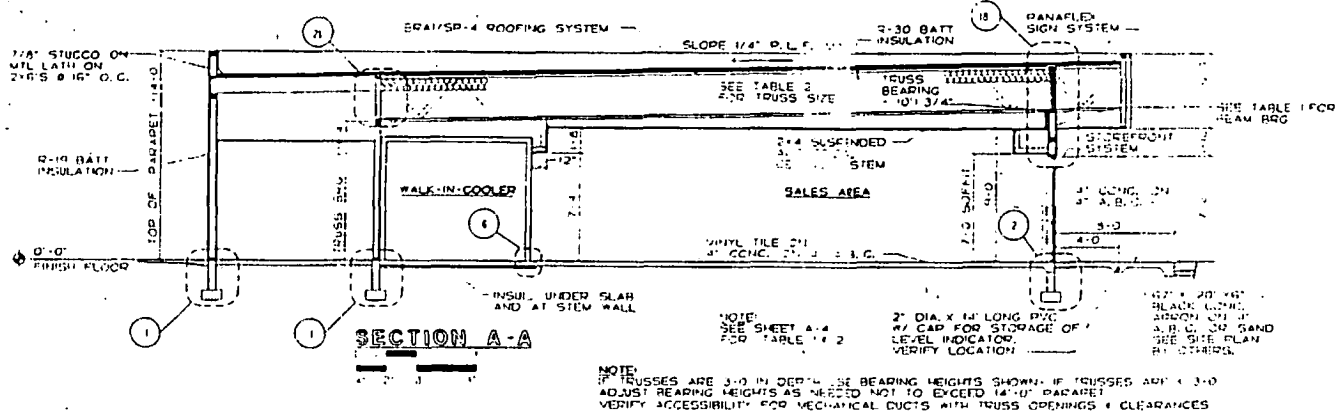
4-14-86

**A-2**

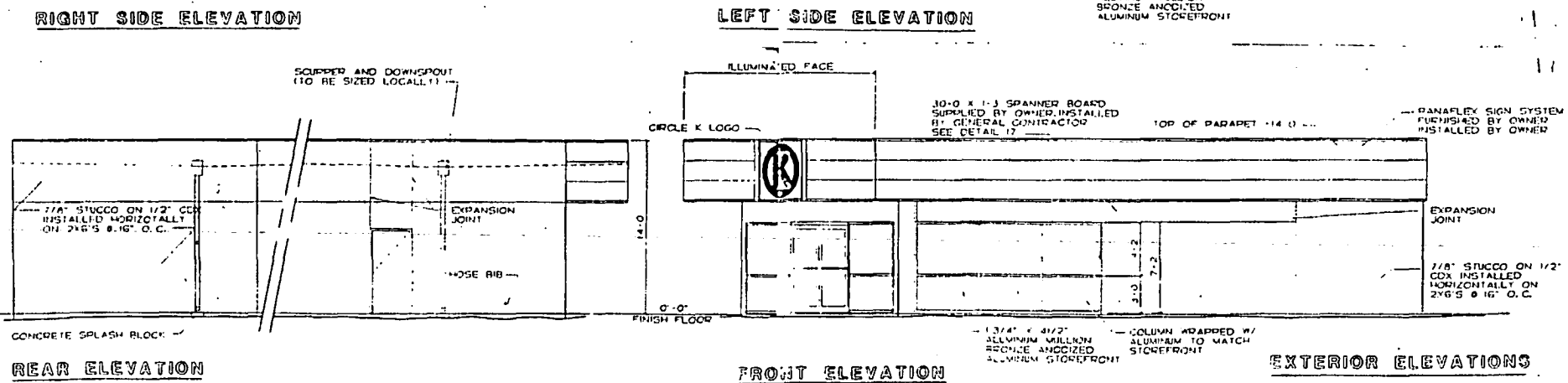
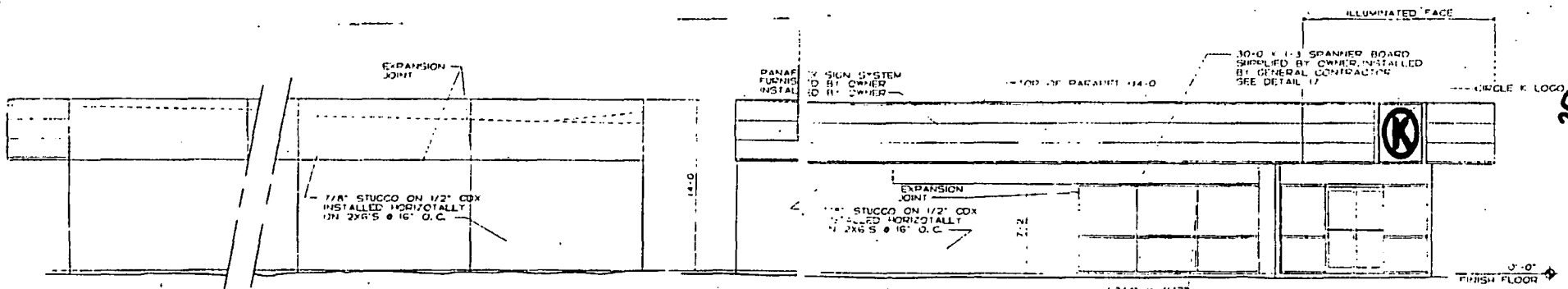
**FLOOR PLAN**

**ELEVATIONS**

8  
 2085  
 Item  
 #12-87  
 10-8-87  
 12-3-87  
 CIRCLE K CORP.  
 1700 N. 17TH ST. PHOENIX, ARIZONA  
 P-87-3927



NAILING SCHEDULE	
CONNECTION	NAILING
JOIST TO SILL OF GROUND FLOOR	1-6d
SPACING TO JOIST, TOP & BOTTOM FACE END	2-6d
SOFT PLATE TO JOIST OR BENDING FACE END	4d AT 6" O.C.
TOP PLATE TO STUD, END END	2-6d
STUD TO SOFT PLATE	1-8 D. TRUSS OR 1-6d END END
DOUBLE STUD, FACE END	4d AT 24" O.C.
DOUBLE TOP PLATE, FACE END	4d AT 6" O.C.
TOP PLATE, LAPS AND INTERSECTIONS, FACE END	2-6d
CONCRETE HEADER, TWO FACES	4d AT 6" O.C. MORE EACH SIDE
CEILING JOIST TO PLATE, TOP END	1-6d
CONCRETE HEADER TO STUD, TOP END	1-6d
CEILING JOIST LAPS OVER PARTITION, FACE END	1-6d
2" BRG TO STUD END AND PLATE, FACE END	2-6d
BUILT UP CORNER STUDS	4d AT 24" O.C.
WALL TOP CORNER AND BRG	2d AT 12" O.C. AT TOP AND BOTTOM AND STAGGERED 2" FROM END AND 11" FROM END
PLYWOOD ROOF AND WALL SHEATHING TO FRAMEWORK	UP AND LESS
4x12 - 12d	ON



**EXTERIOR ELEVATIONS**

15

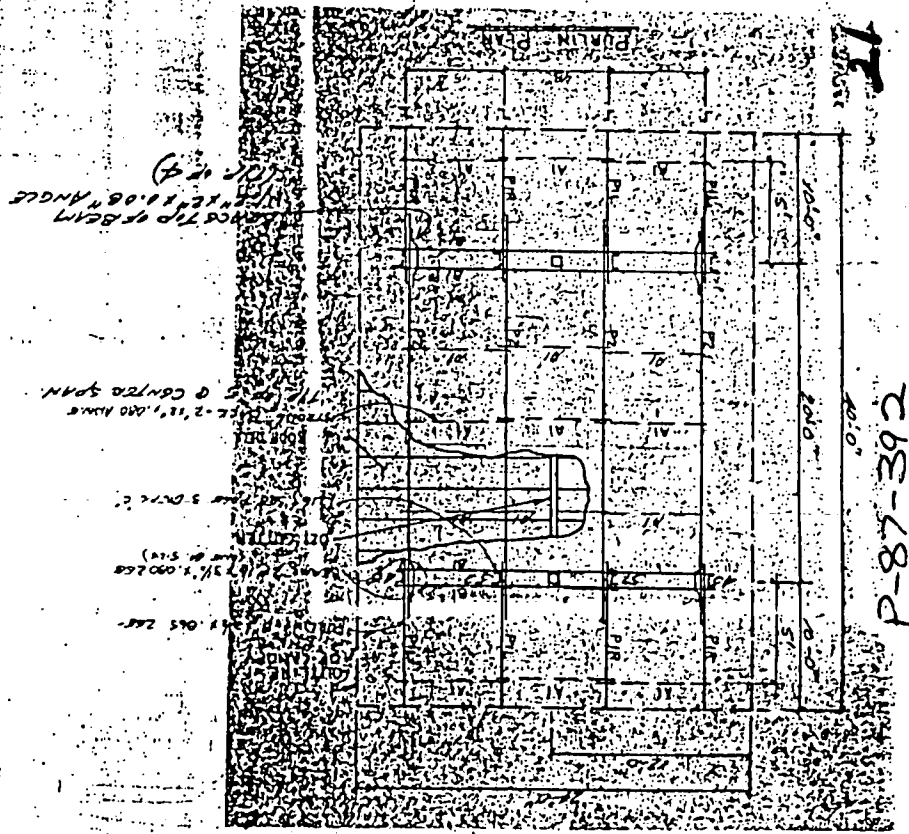
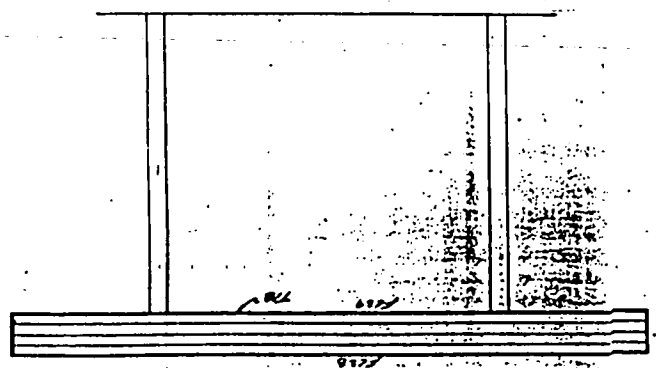
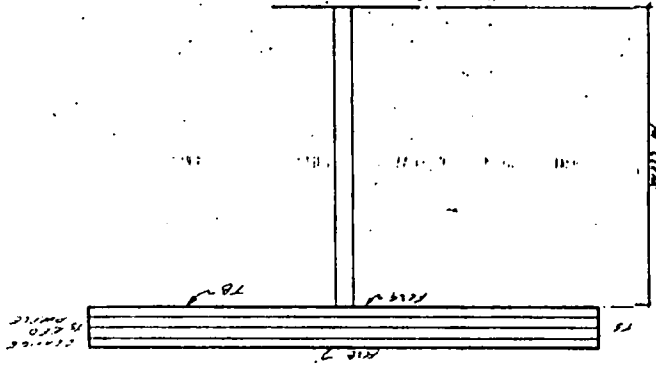
# CANOPY ELEVATION

898  
item 21

12-3-87  
~~11-12-87~~  
10-8-87

NO.	BY	DATE	REVISIONS

DATE	NO.	DESCRIPTION
12-3-87	1	ISSUED FOR PERMIT
12-3-87	2	REVISED



P-87-392



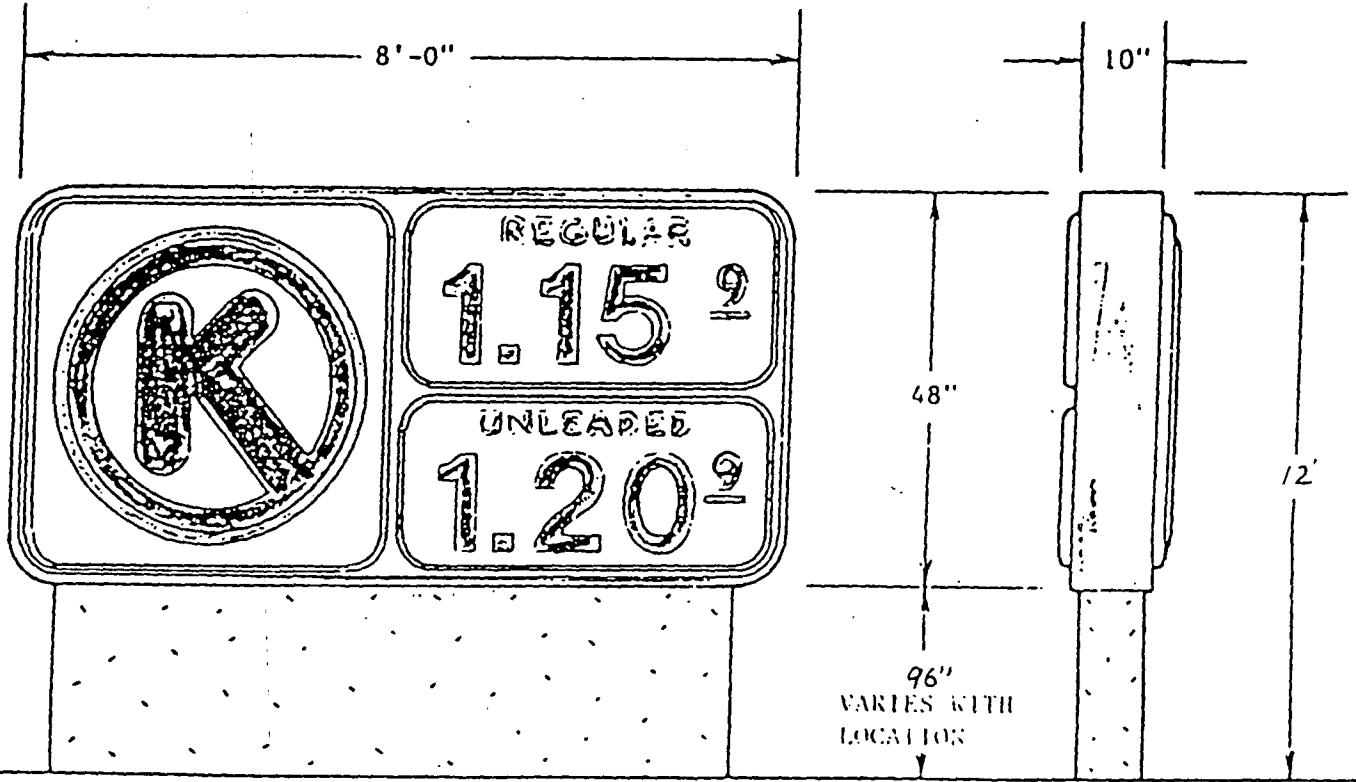


# MONUMENT IDENTIFICATION

## MONUMENT SIGN

SIGN FACES ARE POLYCARBONATE PLASTIC:  
 TO CLEAN, USE CLOTH OR PAPER TOWEL WET WITH WATER,  
 A MILD DETERGENT SUCH AS JOY OR TIDE MAY BE ADDED TO THE WATER. DO NOT USE SOLVENTS SUCH AS ALCOHOL OR GASOLINE.

*- 52K 11*



FACE SHROUD .063 ALUMINUM  
 TEXTURED ALL AROUND  
 TO MATCH BUILDING

ELECTRICAL LOAD: 1.8 AMP/120 VOL.  
 DESIGN WIND LOAD: 30 PSF  
 SIGN CARRIES O.L. LABEL  
 LAMPS: (3) F96 TL/110/CK  
 BALLAST: (1) INT. 51-745-1  
 SIGN AREA: 24 SQ. FT.

P-87-392			
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12-3-87 <sup>22</sup> SOUTHEAST CORNER OF *Item 29*  
 MARYSVILLE BLVD. & GRAND AVE. *8*  
~~12-8-87 11-12-87~~ SHEET 11

# EXHIBIT A

## TRASH ENCLOSURE GUIDELINES

The walls of the trash enclosure structure shall be constructed of solid masonry material and the exterior surface finished in a manner compatible with the main structure(s).

The trash enclosure structure shall have heavy gauge metal gates and designed with cane bolts on the doors to secure the gates when in the open position. The hinges shall be sufficient in size, strength and number to adequately support the metal gates.

The trash enclosure facility shall be designed to allow walk-in access by janitors without having to open the main enclosure gates;

The walls shall be a minimum six feet in height, more if necessary for adequate screening.

The perimeter of the trash enclosure structure shall be screened with landscaping, including a combination of shrubs and/or climbing evergreen vines.

A concrete apron shall be constructed in front of the trash enclosure facility or at point of dumpster pickup by the waste removal truck. The location, size and orientation of the concrete apron shall depend on the design capacity of the trash enclosure facility (number of trash dumpsters provided) and the direction of the waste removal truck at the point of dumpster pickup;

The minimum dimensions of the concrete apron for a single, two cubic yard dumpster shall be: width 10 feet or width of enclosure facility; length 20 feet. Larger trash enclosure facilities shall require a larger concrete apron, subject to the approval of the City Building Inspections Division Building Technician (Plan Checker);

Paving material shall consist of 5" aggregate base rock and 6" portland cement paving.

~~A trellis structure covering the trash facility shall be constructed to screen these units from view from the upper floors of the office building.~~

# EXHIBIT B CORRESPONDANCE



## BLOMBERG WINDOW SYSTEMS

1453 BLAIR AVENUE • P.O. BOX 22485 • SACRAMENTO, CALIFORNIA 95822-0485 • (916) 428-8060

July 31, 1987

RECEIVED

AUG -6 1987

TO WHOM IT MAY CONCERN:

Planning and Development

This copy of my verified protest to the Department of Alcoholic Beverage Control is intended only for your information. No reply to me is expected.

My timely filing with ABC should assure a hearing on the issue. When I am notified of the date of that hearing I will notify you of the time and place. If it appears to be within your field of concern to support contentions raised by me, I would be pleased for you to add your testimony in support. If, of course, you disagree with my conclusions you are obviously free to so testify.

I trust we can all work together for a quality environment for Sacramento citizens and businesses.

Thank you for taking the time to review this lengthy document.

*Harold Blomberg*  
Harold Blomberg

Harold Blomberg  
Blomberg Window Systems  
1453 Blair Avenue  
P.O. Box 22485  
Sacramento, California 95822  
(916)428-8060

P-87-392

12-3-87  
~~11-12-87~~ 24  
~~10-8-87~~

8  
20  
item 20

Department of Alcoholic Beverage Control  
1901 Broadway  
Sacramento, CA 95818

Gentlemen:

I hereby protest the issuance of a license under the Alcoholic Beverage Control

Act to Circle K Convenience Stores, Inc.  
Name(s) of Applicant(s)

for premises at 6240 Freeport Blvd., Sacramento, CA 95822  
Exact address of proposed premises

on the grounds that: see "Attachment A"

I, Harold R. Blomberg, declare under penalty of perjury:  
Name of Protestant

That I am the protestant herein; that I have read the above protest and know the contents thereof; that the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

Executed on July 31, 1987 at Sacramento California.

Harold R. Blomberg Harold R Blomberg  
Name (printed) Signature of Protestant

(916)428-8060  
Telephone Number

1453 Blair Avenue, Sacramento, CA 95822  
Address of Protestant

ABC-510 (8-85)  
P-87-392

~~12-3-87~~  
~~11-17-87~~  
~~10-8-87~~ 25

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item 20

July 31, 1987

ATTACHMENT A

A response to protest the issuance of a license under the Alcoholic Beverage Control Act to Circle K Convenience Stores, Inc. for premises at 6240 Freeport Blvd., Sacramento, California.

I am the President and one of the owners of Blomberg Window Systems, the manufacturing and sales business that has been located at 1453 Blair Avenue for thirty years. Our property abuts the applicants premises for 158 feet on the north and 136 feet on the west. The areas of our yard nearest Blair Avenue and Freeport Blvd. are used for employee parking, (see drawing Enclosure I). The balance of the property adjacent to the Circle K site is used for truck parking and storage of glazed window products. Our business hours are from 8:00 A.M. until 5:00 P.M., Monday through Friday. Our employees, however, may be at work in scattered departments from 6:00 A.M. until 2:00 A.M..

We believe that the granting of an off-sale beer and wine license to Circle K Convenience Stores at 6240 Freeport Blvd., Sacramento, would adversely affect us for the following reasons: (\*)

1. Due to the very limited size of the Circle K site, their customers would tend to park in our employees parking places.
2. Our employees cars would be increasingly broken into due to the increased contact with Circle K customers stopping to buy beer and wine.
3. The incidence of break-ins into our truck and product yard would increase because Circle K customers or others could justify loitering at all hours of the day or night along our property fences.
4. Circle K customers could throw empty beer or wine bottles over our fences and end up breaking glass in our products and our trucks.
5. Young ladies in our accounting department, who often work late hours, would have to walk around the Circle K site after dark to get to their cars. The Circle K customers who come to buy beer and wine at night would present these ladies with a psychological as well as physical threat to their safety.
6. Young six to twelve year old children from the residential neighborhood just to the north and west must walk around the Circle K site in order to get to and from their school at 43rd Avenue and 13th Street. They would have to walk through the increased traffic generated by customers of Circle K.

(\*Many of these are based on our concern that a 24 hour beer and wine outlet at this location would be conducive to becoming a gang hangout with a very real potential for anti-social behavior.)

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12-3-87  
~~#12-87-26~~  
10-8-87

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item 20

ATTACHMENT A (continued)

- 7. This increased traffic will occur at an intersection that is already prone to accidents for the following reasons:
  - a.) Freeport Blvd. south of Blair Avenue goes for 1.2 miles without stop signs or cross streets. Traffic tends to speed up as it comes south out of town, accelerating through the intersection.
  - b.) Traffic going north on Freeport has been traveling fast and sometimes hurries to get through before the light changes.
  - c.) A great many cars turn west off Freeport Blvd. onto Blair Avenue and would continuously block the orderly entrance and exit of Circle K customers.
  - d.) Some motorists turn right onto Blair Avenue and then immediately try to turn left onto the Freeport Blvd. access road. Since east bound traffic on Blair Avenue is usually lined up at the Freeport Blvd. stop light, the motorist wanting to cut through to the access road is forced to stop in the street leaving a line of west turning cars blocking traffic in all directions including those wanting to enter or leave the Circle K site.
  - e.) For south bound customers to return to Freeport Blvd., they would most logically leave the premises from the Freeport Blvd. driveway. There, they must first get through the curbside west turning traffic and then join the line of vehicles waiting at the stop signal. This line is usually backed up farther north than the Circle K site and can not be entered until the traffic starts moving. When it is again moving, the Circle K customer must barge in, cutting through the line of motorists making a right turn.
  - f.) The industrial area to the south and west has just experienced a gigantic building boom that must have doubled the available floor space. All of these unoccupied buildings will soon be leased and essentially all of the trucking and employee cars that service these leased buildings must come through the Freeport-Blair intersection. When that occurs, congestion around the Circle K site will increase dramatically. Since it is already congested, even with a stop light, adding beer and wine customers will only make it worse.

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12-3-87  
~~11-12-87~~ 27  
~~10-8-87~~

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 item 20

ATTACHMENT A (continued)

- 8. Noise from Circle K beer and wine customers would affect the peace and tranquility of the residential area to the north and west especially at late hours. This residential area starts less than 100 feet from the Circle K site. Because this residential area is sensitive to outside noise we have tried over the years to limit our yard activity to 7:00 A.M. until 3:30 P.M.. We believe 24 hour beer and wine sales would have an adverse effect on this residential area.
- 9. We can not see a need for additional off-sale beer and wine sales in this area, (see attached map and descriptive list marked Enclosure Iia & Iib).

A survey of the surrounding area shows that there are already seventeen other stores selling beer and wine within 1.5 miles of the applicant's site. Of these, three stay open 24 hours a day and also sell groceries and gasoline. Six others stay open until 11:00 P.M. and the balance are open until 8:00, 9:00, or 10:00 P.M..

The need for beer and wine sales in the immediate area of the applicant's site is minimal for the following reasons:

- a.) The entire east side of Freeport Blvd. is occupied by the Executive Airport and has no off-sale beer and wine requirements.
- b.) The area south and west consists of sparsely occupied industrial sites with no off-sale beer and wine requirements.
- c.) The area north and west is isolated residential and already served by the centrally located Airway Market.
- d.) The area north from Corti Brothers to William Land Park, approximately 0.9 miles long and all within 1.5 miles of the Circle K site, already has nine businesses offering off-sale beer and wine. Two of them are open 24 hours a day. In addition, 0.86 miles further north on Freeport Blvd. at 11th Avenue, Circle K already has a 24 hour off-sale beer and wine outlet.

To extend beer and wine sales to the south, is to misplace this service into an area without need, and in the process tend to blight the rational and reasonable development of Freeport Blvd..





ATTACHMENT A (continued)

10. We believe it is inappropriate for off-sale beer and wine to be offered directly across the street from the main entrance to the Sacramento Executive Airport. This major local transportation center with its increasingly pretentious buildings provides over a mile of landscaped frontage along Freeport Blvd.. To consider placing an unnecessary Circle K beer and wine license right in the center of this is to downgrade for all time the opportunity to impress important people who daily come and go from Sacramento using this facility.

No one in Sacramento is well served by this short sighted willingness to support a marginal investment in a mis-placed mini-mart.

11. It might seem self-serving but we believe that as a Sacramento business located at our present site for approximately thirty years we have tried to raise the standards in the community we occupy. We have tried to build and landscape our buildings to architecturally enhance the beauty of Blair Avenue to the benefit of the community, our customers and our employees. Regularly we have our janitors walk up and down both sides of Blair Avenue picking up trash and rubbish some of which comes from our employees, but some of which comes from the traffic on Blair Avenue. If a Circle K with an off-sale beer and wine license is located on the corner of Blair and Freeport, we believe maintaining a clean policed up street will become measurably more difficult.

We have also tried to make our work place as pleasant as we could for our employees, free of the influence of alcohol and drugs. Now we are presented with the prospect of a Circle K selling beer and wine right in the heart of our operation. An easy walk for our employees at break or lunch time could provide them with ready access to what we have tried to restrict during working hours.

One can not rule out the possibility that this Circle K commercial site, available to the entire public without restriction 24 hours a day may become a good place for outsiders to do drug business making contact with an otherwise isolated community.

We do not believe the community, its citizens and businesses, and the values they have struggled for years to nurture and develop, should suddenly become the victims of an ill-advised request for a license to offer off-sale beer and wine in an inappropriate location.

12-8-87  
~~11-12-87~~ 29  
~~10-8-87~~

8  
 3  
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 item 2

ATTACHMENT A (continued)

Surely the overwhelming evidence is that to approve this application would not be in either the public interest or the larger greater Sacramento public interest.

Sincerely,

BLOMBERG WINDOW SYSTEMS

*Harold Blomberg*  
Harold Blomberg  
President

Enclosure I - Drawing of northwest corner of Freeport Blvd.  
and Blair Avenue

Enclosure IIa-Map

Enclosure IIb-List of business now selling beer and wine within  
1.5 miles of Circle K site

cc: Sacramento City  
Police Department  
Traffic Engineer  
Planning and Development Department  
Office of Economic Development

Sacramento Executive Airport Manager

Phylis Coffey,(nearest resident to site)

87-392

12-3-87  
~~11-12-87~~ 30  
~~10-8-87~~

8  
X  
item 20

BLAIR AVENUE

1453 BLAIR AVENUE • P.O. BOX 22485 • SACRAMENTO, CALIFORNIA 95822-0485 • (916) 428-8060

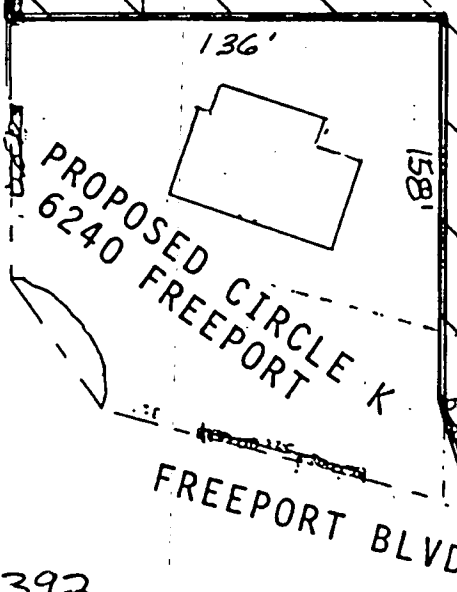
# BLOMBERG WINDOW SYSTEMS

HOPKINS STREET

BOOTH LANE

RESIDENTIAL

BLOMBERG WINDOW  
EMPLOYEE  
PARKING



BLOMBERG WINDOW SYSTEMS  
EMPLOYEE PARKING

~~12-3-87~~  
~~#12-27~~  
~~10-8-87~~

31

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ENCLOSURE I  
item 20



- A) Mini Market
- B) Come Mini Market
- C) Liquor-Groceries
- D) Raley's Supermarket
- E) Thrifty Drugs
- F) Hollywood Bottle Shop
- G) Pocket Club
- H) Liquor Mart
- I) Corti Brothers
- J) Airway Market
- K) Lichine's Liquor-Deli
- L) AM-PM Mini Market
- M) Bel Air Market
- N) Longs Drugs
- O) Jumbo Market
- P) Bergies Liquor & Deli
- Q) 7-11 Market

NO AIRLINE SERVICE:  
SEE METRO AIRPORT  
FOR COMMERCIAL  
FLIGHTS!

SACRAMENTO  
EXECUTIVE  
AIRPORT

NO AIRLINE  
SERVICE:  
SEE METRO  
AIRPORT FOR  
COMMERCIAL  
FLIGHTS!

SACRAMENTO  
EXECUTIVE  
AIRPORT

"BING" MALONEY GOLF COURSE

ENCLOSURE IIa

P-87-39

1360 TIVERTON AV WAY WAKEFIELD WAY 32 20TH

stem 20

<u>NAME</u>	<u>CLOSING</u>	<u>BEER WINE</u>	<u>GRO- ERIES</u>	<u>GAS</u>	<u>APPROX. DISTANCE FROM PROPOSED CIRCLE K SITE</u>
<u>NORTH</u>					
A) AM-PM Mini Market	24 hrs	X	X	X	1.5
B) Come & Go Market	24 hrs	X	X	X	1.4
C) Liquor-Groceries	11 PM	X	X		1.3
D) Raley's Supermarket	11 PM	X	X		1.2
E) Thrifty Drugs	9 PM	X			1.1
F) Hollywood Bottle Shop	11 PM	X			1.1
G) Pocket Club (On-Off Beer&Wine Sales)	11 PM	X			1.0
H) Liquor Mart	9 PM	X			0.8
I) Corti Brothers	8 PM	X	X		0.6
J) Airway Market	8 PM	X	X		0.3
<u>SOUTH</u>					
K) Lichines Liquors	10 PM	X			1.5
L) AM-PM Mini Market	24 hrs	X	X	X	1.4
M) Bel Air Market	9 PM	X	X		1.4
N) Longs Drugs	9 PM	X			1.3
<u>WEST</u>					
O) Jumbo Market	10 PM	X	X		1.1
P) Bergies Liquor & Deli	11 PM	X	X		1.1
Q) 7-11 Market	11 PM	X	X		0.8

ENCLOSURE IIB

P-87-392

12-3-87  
~~11-12-87~~  
~~10-8-87~~ 33

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12  
item 20





CITY OF SACRAMENTO

15  
CITY PLANNING DIVISION

JUL 07 1987

RECEIVED

DEPARTMENT OF POLICE  
HALL OF JUSTICE  
813 6TH STREET  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

July 1, 1987

Ref. No. 7-1

MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: JERRY V. FINNEY, ASSISTANT CHIEF OF POLICE  
DEPARTMENT OF POLICE

SUBJECT: PROPOSED 24-HOUR CIRCLE K - 6420 FREEPORT BOULEVARD

This memorandum is in response to your request dated June 22, 1987. The following questions were asked regarding a proposed 24-hour Circle K convenience market with gasoline sales:

1. Would a 24-hour convenience market at this location create any adverse impacts in the neighborhood?
2. Have there been any problems with the existing gas station use?
3. Will the convenience market be a potential detriment to the residential tract located to the northwest of the site?
4. Should we prohibit sale of alcoholic beverages after 11:00 p.m.?
5. Should we put other conditions on this Special Permit such as prohibit sale of individual cans of beer (six packs, 12 packs or cases only)?

Although the impact a 24-hour convenience store will have upon an area is difficult to predict, some of the possible effects include an undesirable increase in foot and vehicle traffic, loitering and drinking, and possibly becoming a hangout for youth and a criminal element. While these are some of the possibilities, there are some things that can be done to prevent them from occurring. Post the area "No Loitering" and "No Drinking", and don't put any video games or pinball machines in the store. This will make it less attractive to youth who might loiter and cause problems.

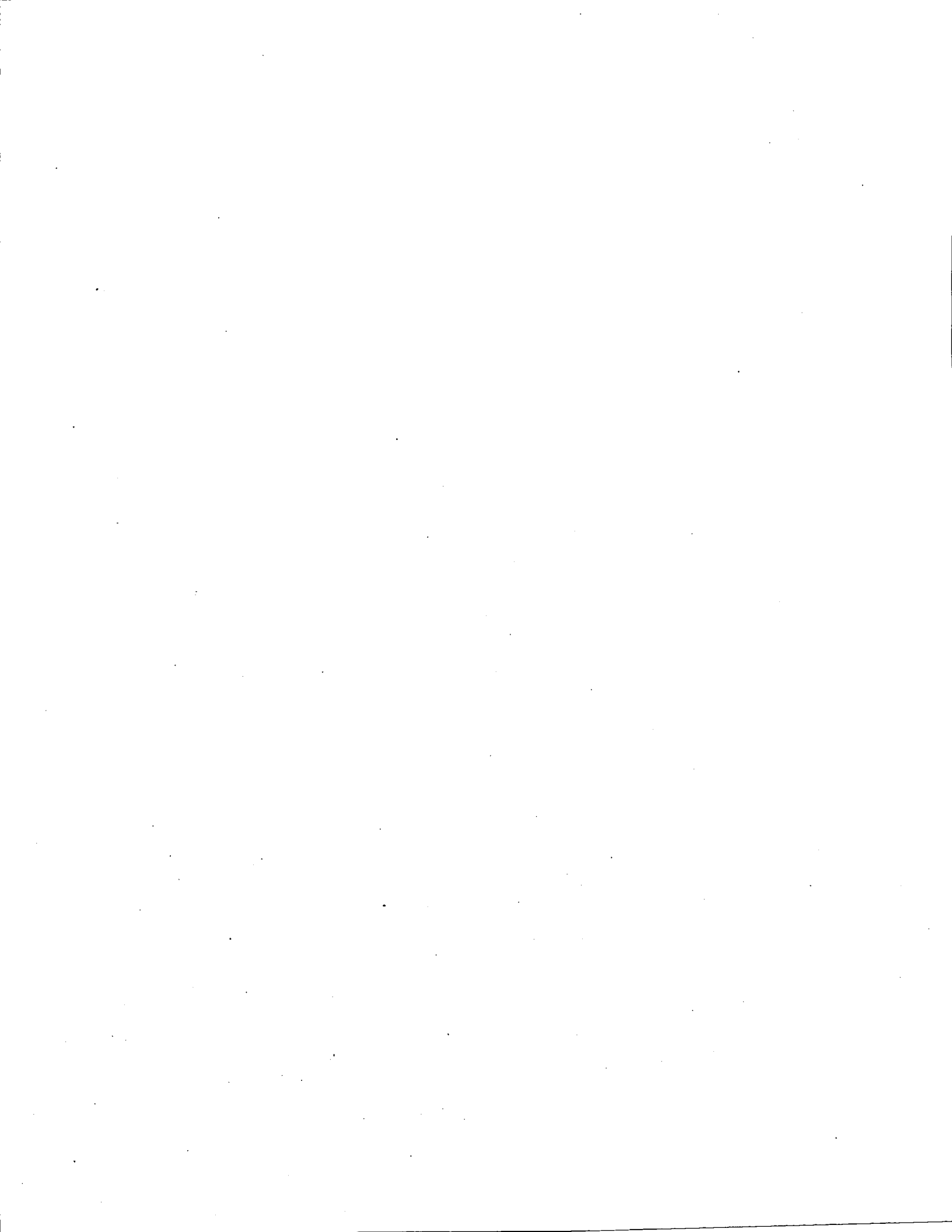
As far as the existing gas station is concerned, there haven't been any problems reported.

P-87-392

12-3-87  
~~11-12-87~~  
10-8-87 34

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20  
item 20





MEMORANDUM

Will Weitman, Senior Planner  
Page Two

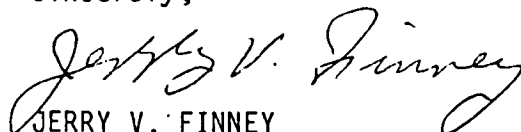
July 1, 1987

Along with the aforementioned possibilities, another one also exists. This location might become a robbery target. With the hours of operation being around-the-clock, the possibility of robbery is greater.

Prohibiting the sale of alcoholic beverages after 11:00 p.m. and restricting the sales to six-packs or 12-packs are desirable constraints. These two restrictions would probably have an impact upon the type of person drawn to the store and upon any possible loitering problem.

Any 24-hour convenience store has the potential to cause problems for an area. If handled properly, these potential problems can be minimized or eliminated. This seems to be the case with the proposed Circle K Mini-Mart at 6240 Freeport Boulevard. We feel if handled properly, this mini-mart should have minimum impact upon the neighborhood.

Sincerely,



JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE  
DEPARTMENT OF POLICE

JVF:lm

15

**RICHARD B. BUHLER**  
1851 HERITAGE LANE, SUITE 128 • SACRAMENTO, CALIFORNIA 95815  
(916) 920-4341

CITY PLANNING DIVISION

NOV 12 1987

**RECEIVED**

November 9, 1987

Mr. Daniel J. Hendryks  
Planning Department  
City of Sacramento  
1231 I Street - Suite 200  
Sacramento, California

Re: Project App. No. P87-392  
Assessor's Parcel #035-084-027

Dear Mr. Hendryks:

I am an owner of Freeport Mini Storage, 1476 Blair Avenue, across Blair Avenue from the proposed development.

I am opposed to the granting of a Special Use Permit for a convenience market or any similar development until the hazardous traffic situation is resolved at the corner of Blair Avenue and Freeport Boulevard.

For over 15 years the City has vacillated on closing the Freeport Boulevard access road South of Blair Avenue. In 1974, we gifted the Westerly corners of our property to the City to enable the frontage road to be closed and the traffic to be routed around the South and West lines of our property. The roadways have been installed, but the access road remains open.

The increased traffic that would be created by this proposed use would assuredly place motorists passing this intersection at unjustifiable risk.

Cordially,

  
Richard B. Buhler  
Freeport Mini Storage.

P-87-392

12-3-87 36

item 8



NOTICE OF APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION

DATE: December 21, 1987

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of December 17, 1987 when: (Date)

Rezoning Application Variance Application
24 hour convenience market
Special Permit Applications for: and sale of beer and wine
were:
X Granted X Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail) Appellant contends the findings of the Commission are based on pure speculation and are not based upon the evidence, and that the findings do not support the decision.

PROPERTY LOCATION: 6240 Freeport Boulevard

PROPERTY DESCRIPTION: Northwest corner of Freeport Blvd. and Blair Avenue.

ASSESSOR'S PARCEL NO. 035 - 084 - 027

PROPERTY OWNER: STAFAC, INC.

ADDRESS: P.O. Box 4848, Anaheim, CA 92803

APPLICANT: JT's Engineers

ADDRESS: 811 J Street, Sacramento, CA 95814

\*Attorney for APPELLANT: (Signature) (Robert S. Willett)

ADDRESS: 2710 Gateway Oaks Drive, Suite 300 South, Sacramento, CA 95833

FILING FEE:
X by Applicant: \$105.00 RECEIPT NO. 25056
by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:

P- 87-392

5/82

\*Please address all communications to applicant and attorney for applicant.

DISTRIBUTE TO - (4 COPIES REQUIRED): MVD, HYAG, WW, LO, SG - (Original)

37

In the matter of the decision of the City )  
 Planning Commission to deny special permits )  
 to establish a 24-hour convenience market )  
 and special permit to sell beer and wine )  
 for off-site consumption on 0.43+ developed )  
 acre in the General Commercial (Executive )  
 Airport 4) (C-2{EA-4}) zone at the north- )  
 west corner of Blair Avenue and Freeport )  
 Boulevard (P87-392) )

NOTICE OF DECISION  
 AND  
 FINDINGS OF FACT

At its regular meeting of December 3, 1987 the Planning Commission considered testimony and other evidence regarding the above entitlements. At its December 3, 1987 meeting the Planning Commission indicated an intent to deny both special permits based upon findings of fact due for the December 17, 1987 Planning Commission meeting, the Commission denied the special permits based upon the following findings of fact.

FINDINGS OF FACT - DENIAL OF 24-HOUR CONVENIENCE MARKET

1. Granting of the special permit to operate a 24-hour convenience market within 500' of residentially-zoned property is not based upon sound principles of land use in that:
  - a. being open between the hours of 11:00 P.M. and 6:00 A.M. will ~~cause a~~ ~~nuisance to~~ be detrimental to the welfare of nearby area residents and property owners ~~who/who/dwell/dwell/by~~ because it would lead to loitering by and traffic from late night customers to the site; and
  - b. the site is located within 1-1/2 miles of three existing 24-hour convenience markets so that adequate facilities are now available; and
  - c. the Freeport Manor neighborhood has a high element of criminal activity and the establishment of a 24-hour facility may contribute to increased problems for the Police Department and area residents.
2. Granting the special permit will be detrimental to property in the vicinity in that 24-hour commercial activity will attract customers from throughout the area during times adjacent businesses are closed and residents are closed or sleeping, thereby increasing the probability of vandalism.
3. Granting the special permit will be detrimental to the public health, safety and welfare and result in the establishment of a nuisance in that:
  - a. the site is located within 2,000' of Argonaut High School, a continuation high school of 250 students, who may frequent the store as they currently do at the Airway Market causing some of the students to be truant and to engage in loitering; and
  - b. increased vehicle traffic would be generated at the congested intersection of Freeport and Blair; and
  - c. the elementary school children from Freeport Manor cross at Blair Avenue to attend Alice Birney Elementary School located at 43rd Avenue and 13th Street. Traffic from the site may conflict with pedestrian activities.

4. The proposed special permit is not consistent with the City's Interim Discretionary Land Use Policy in that the 1984 Airport Meadowview Community Plan states as a goal "To eliminate the characteristics of physical deterioration throughout the community" with an objective. "To make the identified concerns of the residents known to the departments or agencies responsible for addressing these concerns." Area residents have testified regarding the impact of a 24-hour convenience store and the Commission found that the proposed project does not eliminate physical deterioration.

FINDINGS OF FACT - DENIAL OF SPECIAL PERMIT FOR BEER AND WINE SALES

- 1. The proposed use will adversely affect the peace and general welfare of the surrounding neighborhood in that the adjacent businesses and their employees will be affected by patrons of the new business.
- 2. The proposed use will result in an undue concentration of establishments dispensing alcoholic beverages in that 17 businesses sell alcohol within 1-1/2 mile radius and three of those businesses are 24-hour convenience markets.
- 3. The proposed use will encourage the development of a blighted area in that Freeport Manor neighborhood has been affected by the presence of Police problems stemming from the sale of ~~AAHbt~~ alcoholic beverages at a nearby market. The addition of another establishment selling ~~AAHbt~~ alcoholic beverages will add to the existing Police problem.
- 4. The proposed use will be contrary to and adversely affect programs of redevelopment or neighborhood conservation in that the establishment of an 18th store selling beer and wine within 1-1/2 miles of the subject site will not encourage the elimination of physical or social deterioration of the Freeport Manor neighborhood.

*Suzanne Elmsted*  
 Approved by the Planning Commission on  
 December 17, 1987 for the December 3, 1987  
 City Planning Commission meeting

*Frank [Signature]*  
 Chairperson







RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO

JAN 20 4 13 PM '88

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2710 Gateway Oaks Drive  
Suite 300 South  
Sacramento, CA 95833  
(916) 925-6620  
Fax # 925-1127

El Dorado County Office  
(916) 677-0245

Bay Area Office  
(415) 659-9297

January 20, 1988

CONTINUED  
TO 2-9-88

Ms. Lorraine Magana  
City Clerk  
City Hall, Room 300  
915 I Street  
Sacramento, CA 95814

Re: Appeal of Circle K by JTS Engineers,  
Control No. P87-392

Dear Ms. Magana:

This letter will serve as a request to continue the subject appeal until February 9, 1988. The undersigned represents Circle K in its appeal, and a conflict of schedules precludes me from representing the client before the Council as scheduled.

I trust the request will not inconvenience the staff or the Council.

Respectfully Requested,

HEFNER, STARK & MAROIS

BY *Robert S. Willett*  
Robert S. Willett

Hugh B. Bradford  
(1876-1955)

S. W. Cross  
(1881-1956)

- Archie Hefner, Inc.\*
- Robert N. Stark
- Theodore M. Marois, Jr.
- James M. Woodside
- John D. Bessey
- Robert W. Bell
- Kenneth R. Stone
- Timothy D. Taron
- Judy Campos McKeenan
- William M. Gallagher
- Robert S. Willett
- Todd A. Murray
- Timothy M. Cronan
- Joel S. Levy
- Robert A. Laurie
- David G. Yetter
- Christina J. Savage
- Peggy J. Chater
- Robert P. Biegler
- Brian E. Maloney
- Dennis L. Viglione
- Ronald H. Sargis
- Martin B. Steiner
- Lisa A. Wible Wright
- John D. Schwarz, Jr.
- Jeffrey H. Graybill
- Howard S. Nevins
- Kevin F. Schoneman
- Janice L. Thurston
- Joseph E. Hustein
- Susan L. Sutherland

8.3RSW:sh

cc: Art Gee, Planning Department  
Verl McMillan, Circle K

*include on 1-26-88  
agenda as planned*

\* A Professional Corporation

P.87392

15

# SACRAMENTO CITY PLANNING DIVISION

Application Information Application taken by/date: \_\_\_\_\_

Project Location 6240 Freeport Boulevard  
 Assessor Parcel No. 035-084-027  
 Owners Stafac, Inc. Phone No. \_\_\_\_\_  
 Address P.O. Box 4848 Anaheim, CA 92803  
 Applicant JTS Engineers Phone No. \_\_\_\_\_  
 Address 811 J Street Sacramento, CA 95814

### REQUESTED ENTITLEMENTS

### ACTION ON ENTITLEMENTS

	Commission date	Council date
<input type="checkbox"/> Environ. Determination <u>EX 15301a</u>	_____	_____
<input type="checkbox"/> General Plan Amend _____	_____	_____
<input type="checkbox"/> Community Plan Amend _____	_____	Res. _____
<input type="checkbox"/> Rezone _____	_____	Res. _____
<input type="checkbox"/> Tentative Map _____	_____	Ord. _____
<input checked="" type="checkbox"/> Special Permit <u>to establish a 24 hour convenience market of 3,000+ sqare feet and 960 square feet canopy over a two pump gasoline dispensing facility on 0.43+ developed acres</u>	_____	Res. _____
<input checked="" type="checkbox"/> <del>Variance</del> <u>in the General Commercial Executive Airport-Overlay 4 C-2 (EA-4) zone.</u>	_____	_____
<input checked="" type="checkbox"/> <del>Special</del> <u>SPECIAL to establish alcohol sales for off-site consumption.</u>	_____	_____
<input type="checkbox"/> PUD _____	_____	_____
<input type="checkbox"/> Lot Line Adjustment _____	_____	_____
<input type="checkbox"/> Other _____	_____	_____

Sent to Applicant: \_\_\_\_\_ Date \_\_\_\_\_ By: \_\_\_\_\_ Sec. to Planning Commission

### Key to Entitlement Actions

- R — Ratified
- A — Approved
- AC — Approved W/conditions
- AA — Approved W/amended conditions
- D — Denied based on Findings of Fact
- RD — Recommend Denial
- RA — Recommend Approval
- RAC — Recommend Approval W/conditions
- RMC — Recommend Approval W/amended conditions
- IAF — Intent to Approve based on Findings of Fact
- AFF — Approved based on Findings of Fact
- PDAC — Planning Director Approved with Conditions

### EXPIRATION

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of one year unless a building permit is obtained within the variance term.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within two years after such permit is issued. If such use is not so established the Special Permit shall be deemed to have expired.

TENTATIVE MAP: Failure to record a final map within 2 years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

P P87392

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Sacramento City Planning Commission  
VOTING RECORD

MEETING DATE  
November 3, 1987

ITEM NUMBER  
8.B

PERMIT NUMBER  
P 87-392

ENTITLEMENTS

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

STAFF RECOMENDATION

Favorable  Unfavorable

Correspondence

Petition

LOCATION 6240 Greenport Boulevard

P  
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NAME	ADDRESS
<u>Robert Willett</u>	<u>2710 Antway Oaks Drive, Dacto - 95833</u>
<u>Harold McMillan</u>	<u>5841 Margarita, Parromahal, - 95608</u>
<u>Jim Barclay</u>	<u>City Police Dept.</u>

O  
P  
P  
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S

NAME	ADDRESS
<u>Rose Wheeler</u>	<u>5941 14th Street, Dacto 95822</u>
<u>Harold Blomberg</u>	<u>1453 Blair Avenue, " - 95822</u>
<u>Scott Freeman</u>	<u>1000 H Street, " 95814</u>
<u>Jim Barclay</u>	<u>City Police Dept.</u>

MOTION # \_\_\_\_\_

Yes    No    Motion Second

CHINN			
FERRIS			
HOLLICK			✓
HOLLOWAY			
ISHMAEL			
NOTESTINE			
OTTO			✓
WALTON	<u>absent</u>		
RAMIREZ			

PLANNING AND DEVELOPMENT

MOTION 1172

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO <sup>provided</sup> COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER see substitute motion



P-87392  
15

NOTICE OF APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION

DATE: December 21, 1987

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of December 17, 1987 when:  
(Date)

       Rezoning Application        Variance Application  
       24 hour convenience market  
  X   Special Permit Applications for: and sale of beer and wine  
were:  
~~was:~~        Granted   X   Denied by the Commission

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upon the evidence, and that the findings do not support the decision.

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PROPERTY DESCRIPTION: Northwest corner of Freeport Blvd. and  
Blair Avenue.

ASSESSOR'S PARCEL NO. 035 - 084 - 027

PROPERTY OWNER: STAFAC, INC.

ADDRESS: P.O. Box 4848, Anaheim, CA 92803

APPLICANT: JT'S Engineers

ADDRESS: 811 J Street, Sacramento, CA 95814

\*Attorney for  
APPELLANT: (*Robert S. Willett*) ( Robert S. Willett )  
(SIGNATURE)

ADDRESS: 2710 Gateway Oaks Drive, Suite 300 South, Sacramento,  
CA 95833

FILING FEE:  
 by Applicant: \$105.00 RECEIPT NO. 25056  
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

P- 87-392

5/82  
\*Please address all communications to  
applicant and attorney for applicant.

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD ✓  
HYAG  
WW  
LO  
SG - (original)



15

February 12, 1988

Robert S. Willet  
2710 Gateway Oaks Drive Ste 300 South  
Sacramento CA 95833

On February 9, 1988, the following matter was scheduled to be heard before the City Council:

Appeal of the Planning Commission's Denial of a Special Permit to establish beer and wine sales for off-site consumption, located at 6240 Freeport Boulevard. (D8) (P-87392)

This hearing has been **withdrawn**.

Any questions regarding this hearing should be referred to the **City Planning Department, 1231 I Street, Sacramento California, phone (916) 449-5604.**

Sincerely,

LORRAINE MAGANA, CITY CLERK

Anne Mason  
Assistant City Clerk

AM/mls/15

cc: Stafac, Inc., P.O. Box 4848, Anaheim CA 92803  
JTS Engineers, 811 J Street, Sac 95814  
Planning Department



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City of Kansas

Department of Health, 1231 J Street, Sacramento, California, phone (916) 448-2504.